Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE
Case Date Filed

10-CA-255069 January 23, 2020

File an original of this charge with MI RR Regional	Director in which the alleged unfair labor practice of	courred or is occurring
1	EMPLOYER AGAINST WHOM CHARGE IS BROU	GHT
a. Name of Employer	Emileo Televitorinto i viriom of pricoe lo bitoo	b. Tel. No.
JM Services and Warrior Met Coal, In	c Joint Employers	205-800-7703 (Jennmar Services)
in corrido and realist mot coal, in	is, some Employers	c. Cell No.
		205-554-6150 (Warrior Met Coal)
d. Address (street, city, state ZIP code)	e. Employer Representative	f. Fax No.
Jennmar Services South	Greg Neil, Supervisor JM Services	i. i da i io.
920 Powder Plant Road	l cred item, cuporticor our cervices	g. e-Mail
Bessemer, AL 35023	Warrior Met Coal HR Manager	g. c man
Desseller, AL 33023		h. Dispute Location (City and State)
Waste Mario III	Sherry Sterling	Bessemer, AL
Warrior Met Coal, Inc.		Decoding, AL
16243 AL-216		
Brookwood, AL 35444		
 Type of Establishment (factory, nursing home, 	j. Principal Product or Service	k. Number of workers at dispute location
hotel)		
staffing agency/mine	manpower/coal	~200
	L.	
	is engaging in unfair labor practices within the mea	
•	or practices are practices affecting commerce within	
	within the meaning of the Act and the Postal Reorga se statement of the facts constituting the alleged uni	
2. Eddid of the Offdrige (oct forth a diotal and comot	se statement of the radio densitiating the anegot and	an rabor praductory
	nt Employers discriminated against emplo	
from mine #4 in retaliation for and or ir	n order to discourage protected concerted	activities.
	ation, give full name, including local name and numb	per)
(b) (6), (b) (7)(C) An Individual		
4a. Address (street and number, city, state, and ZI	P code)	4b. Tel. No.
		(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		4c. Ce (b) (6), (b) (7)(C)
(D)(D), (D)(T)(C)		
		4d. Fax No.
		4e. e-Mail
		(b) (6), (b) (7)(C)
1	nization of which it is an affiliate or constituent unit (t	o bë tilled in when charge is tiled by a labor
organization)		
6. DECLARATION	44 44 44	Tel. No.
I declare that I have read the above charge at my knowledge and belief.	nd that the statements are true to the best or	(b) (6), (b) (7)(C)
		Office, if any, Cell No.
(b) (6), (b) (7)(C)	(F) (C) (F) (Z)(C). An Individual	Sillos, il ality Collins
By	(b) (6), (b) (7)(C), An Individual	Fox No.
CI	harge) Print Name and Title	Fax No.
(b) (6) (b) (7)(C)	-	e-Mail
Address: $(b) (6), (b) (7)(C)$	Date: 1-17-2020	
	1-11-2020	(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



REGION 10 233 Peachtree Street NE Harris Tower Suite 1000 Atlanta, GA 30303-1504

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

Download NLRB Mobile App

January 24, 2020

Greg Neil, Supervisor Jenmar Services South 920 Powder Plant Rd Bessemer, AL 35023

Sherry Sterling, HR Manager Warrior Met Coal, Inc. 16243 Highway 216 Brookwood, AL 35444

Re: JM Services and Warrior Met Coal,

Joint Employers Case 10-CA-255069

Dear Mr. Neil and Ms. Sterling:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner LANITA T. CRAVEY whose telephone number is (205)518-7514. The mailing address is 1130 22ND ST S RIDGE PARK PLACE SUITE 3400, BIRMINGHAM, AL 35205-2885. If this Board agent is not available, you may contact Resident Officer KATHERINE CHAHROURI whose telephone number is (205)518-7511.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of

the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Procedures</u>: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its

determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

Revised 3/21/2011 NATIONAL LABOR RELATIONS BOARD						
QUESTIONNAIRE ON COMMERCE INFORMATION						
Please read carefully, answer all applicable ite				and identify item number.		
CASE NAME	,			CASE NUMBER		
				10-CA-255069		
1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or	stated in legal docum	ents forming entity)			
2. TYPE OF ENTITY						
[] CORPORATION [] LLC [] L	LP [] PARTNERSH	IP [] SOLE PROP	RIETORSHIP [] OTHER	(Specify)		
3. IF A CORPORATION or LLC		E) Transfer	[]	(-1)		
A. STATE OF INCORPORATION	B. NAME, ADDRESS, A	AND RELATIONSHIP	(e.g. parent, subsidiary) OF AL	L RELATED ENTITIES		
OR FORMATION						
4. IF AN LLC OR ANY TYPE OF PART	NERSHIP, FULL NAME	E AND ADDRESS OF	ALL MEMBERS OR PART	NERS		
5. IF A SOLE PROPRIETORSHIP, FUI	L NAME AND ADDRES	S OF PROPRIETOR				
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6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATION	NS (Products handled o	or manufactured, or nature of se	rvices performed).		
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7 A DEDICIDAL LOCATION	l n	DD ANCH I OCATIO	ATC .			
7. A. PRINCIPAL LOCATION:	В.	BRANCH LOCATIO	NS:			
8. NUMBER OF PEOPLE PRESENTLY						
A. Total:		volved in this matter:				
9. DURING THE MOST RECENT (Che	ck appropriate box): [] C	ALENDAR YR []]	2 MONTHS or [] FISCA	L YR (FY dates	VEC) NO
:1	C050,000 1' 4				YES	NO
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PRIVACY ACT STATEMENT

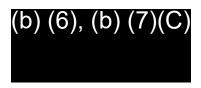
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858



January 24, 2020



REGION 10

233 Peachtree Street NE

Harris Tower Suite 1000

Atlanta, GA 30303-1504

Re: JM Services and Warrior Met Coal,

Joint Employers Case 10-CA-255069

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on January 23, 2020 has been docketed as case number 10-CA-255069. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner LANITA T. CRAVEY whose telephone number is (205)518-7514. The mailing address is 1130 22ND ST S RIDGE PARK PLACE STE 3400, BIRMINGHAM, AL 35205-2885. If this Board agent is not available, you may contact Resident Officer KATHERINE CHAHROURI whose telephone number is (205)518-7511.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control.

Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

and JM Services and Warrior Met Coal, Inc.	CASE 10-CA-255069
REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATION Met Coal, Inc.	IVE OF
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WE DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENT CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFORM	AATION)
John B. Holmes, III	
MAILING ADDRESS: 1901 6th Avenue North, Suite 2400, Birming	pham, AL 35203
E-MAIL ADDRESS: jholmes@maynardcooper.com	
OFFICE TELEPHONE NUMBER: (205) 254-1107	
CELL PHONE NUMBER:	_{FAX:} (205) 254-1999
SIGNATURE: (Please sign in ink.) 2/10/2020	

 $^{^1}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

(b) (6), (b) (7)(C)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

CASE 10-CA-255069
GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
IVE OF
HAT THE PARTY MAY RECEIVE COPIES OF ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN IS AS DESCRIBED IN SEC. 11842.3 OF THE
MATION)
nam, Alabama 35203
_{FAX} : 205.244.5901

 $^{^{\}rm 1}$ if case is pending in washington and notice of appearance is sent to the general counsel or the executive secretary, a copy should be sent to the regional director of the region in which the case was filed so that those records will reflect the appearance.

REGION 10 233 Peachtree St NE Harris Tower Ste 1000 Atlanta, GA 30303-1504

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

April 16, 2020

Wesley C. Redmond, Attorney Ford Harrison 420 20th Street North, Suite 2560 Birmingham, AL 35203

John Holmes, Attorney Maynard Cooper & Gale, P.C. 1901 6th Ave N, 2400 Regions Harbert Plaza Birmingham, AL 35203-2618

> Re: JM Services and Warrior Met Coal, Joint Employers

Case 10-CA-255069

Dear Mr. Redmond and Mr. Holmes:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

SCOTT C. THOMPSON Acting Regional Director

cc

(b) (6), (b) (7)(C)

Greg Neil, Supervisor Jenmar Services South 920 Powder Plant Rd Bessemer, AL 35023

Sherry Sterling, HR Manager Warrior Met Coal, Inc. 16243 Highway 216 Brookwood, AL 35444 INTERNET UNITED STATES OF AMERICA

INTERNET FORM NLRB-501

NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE	IN THIS SPACE
Case	Date Filed
10-CA-272966	2/19/21

FORM EXEMPT UNDER 44 U.S.C 3512

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1 EMPLOYER A	GAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer	GAINST WHOM CHARGE IS BROOGHT	b. Tel. No.
Warrior met		(205) 554-6123
vallet net		c. Cell No.
		(205) 542-5277
		f. Fax No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	
16243 Highway 216	Guy W Hensley	g. e-Mail
AL Brookwood 35444	Attorney	
AL BIOOKWOOD 33444		h. Number of workers employed
		1400
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	
Coal	Coal mining	
k. The above-named employer has engaged in and is engaging	in unfair labor practices within the meaning of se	ection 8(a), subsections (1) and (list
subsections) 3	of the National La	bor Relations Act, and these unfair labor
practices are practices affecting commerce within the meaning	g of the Act, or these unfair labor practices are u	nfair practices affecting commerce
within the meaning of the Act and the Postal Reorganization		
2. Basis of the Charge (set forth a clear and concise statement	of the facts constituting the alleged unfair labor p	ractices)
See additional page		
3. Full name of party filing charge (if labor organization, give full	I name, including local name and number)	
(b) (6), (b) (7)(C)		
4a. Address (Street and number, city, state, and ZIP code)		
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WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or

supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Loss of pay	^{®)®,®)7} /2021



REGION 10 233 Peachtree St NE Harris Tower Ste 1000 Atlanta, GA 30303-1504



Download NLRB Mobile App

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

February 19, 2021

Guy W. Hensley, Attorney Warrior Met 16243 Highway 216 Brookwood, AL 35444

Re: Warrior Met

Case 10-CA-272966

Dear Mr. Hensley:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney NATHAN K. GILBERT whose telephone number is (205)518-7526. The mailing address is 1130 22ND ST S RIDGE PARK PLACE STE 3400, BIRMINGHAM, AL 35205-2885. If this Board agent is not available, you may contact Resident Officer KATHERINE CHAHROURI whose telephone number is (205)518-7511.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Lisa Y. Henderson Acting Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB- (3-11)	5081	NATIONAL I	LABOR RELATIONS BOARD		
(5-11)	QUESTI	ONNAIRE O	ON COMMERCE INFORMATION		
Please read	carefully, answer all applicable items, and ret	urn to the NLRB (Office. If additional space is required, please add a pa	ge and identify item number.	
CASE NAM	ME			CASE NUMBER	
				10-CA-272966	
I. EXACT	LEGAL TITLE OF ENTITY (As filed w	ith State and/or	stated in legal documents forming entity)		
2. TYPE	C OF ENTITY				
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	OF INCORPORATION	B. NAME, AI	DDRESS, AND RELATIONSHIP (e.g. parent, subsi	diary) OF ALL RELATED E	NTITIES
OR FOR	MATION				
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NAME AND TITLE (Type or Print) SIGNATURE E-MAIL ADDRESS DATE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

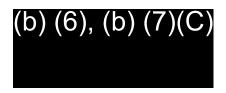


Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858



Download NLRB Mobile App

February 19, 2021



REGION 10

233 Peachtree St NE

Harris Tower Ste 1000

Atlanta, GA 30303-1504

Re: Warrior Met

Case 10-CA-272966

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on February 19, 2021 has been docketed as case number 10-CA-272966. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney NATHAN K. GILBERT whose telephone number is (205)518-7526. The mailing address is 1130 22ND ST S RIDGE PARK PLACE STE 3400, BIRMINGHAM, AL 35205-2885. If this Board agent is not available, you may contact Resident Officer KATHERINE CHAHROURI whose telephone number is (205)518-7511.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Lisa Y. Henderson Acting Regional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

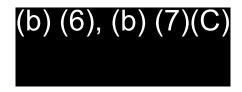
(b) (6), (b) (7)(C) and Warrior Met Coal	CASE 10-CA-272966
REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATION Met Coal	VE OF
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WE DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENT CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFORM	IATION)
John B. Holmes, III NAME: 1901 6th Avenue North, Suite 1700, Birming	gham, AL 35203
E-MAIL ADDRESS: jholmes@maynardcooper.com	
OFFICE TELEPHONE NUMBER: 205-254-1107	
CELL PHONE NUMBER:	_{FAX:} 205-254-1999
SIGNATURE:	
DATE: (Please sign in ink.) 2/25/2021	

 $^{^{\}rm I}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



REGION 10 401 W Peachtree St NW Suite 472 Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858



Re: Warrior Met Coal Case 10-CA-272966

Dear (b) (6), (b) (7)(C):

We have carefully considered your charge that Warrior Met Caol has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Employer discriminated against you based on your union status and/or union activities, in violation of Section 8(a)(3) of the National Labor Relations Act. The analysis of 8(a)(3) claims alleging retaliation for union activities is controlled by *Wright Line*, 251 NLRB 1083 (1980), enfd. 662 F.2d 899 (1st Cir. 1981), cert. denied 455 U.S. 989 (1982), which requires the General Counsel to establish a prima facie case of discrimination based on the employer's knowledge of union activity and evidence of union animus. See also *VAE Nortrak N. Am., Inc.*, 344 NLRB 249, 250 (2005). The Board has recently held that "[t]o meet the General Counsel's initial burden, the evidence of animus must support a finding that a causal relationship exists between the employee's protected activity and the employer's adverse action against the employee." *Tschiggfrie Properties, LLC*, 368 NLRB. No. 120 (November 22, 2019), slip op. at p. 1.

In your case, there is no dispute that you engaged in union activity and that the Employer had knowledge of that activity. However, there is no evidence of anti-union animus on the part of the Employer. Further, there is no evidence of a causal connection between your union position or participation in the MSHA inspection and the Employer's failure to pay you for the hour spent with the MSHA inspector. Because of this lack of evidence of a causal connection, I find that you have failed to establish a prima facie case of discrimination in violation of Section 8(a)(3) or (1) of the Act. I am, therefore, dismissing your charges.

Warrior Met Case 10-CA-272966

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on April 2, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than April 1, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before April 2, 2021.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after April 2, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the

event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

Lisa Y. Henderson Acting Regional Director

Enclosure

cc: Guy W. Hensley, Attorney Warrior Met Coal 16243 Highway 216 Brookwood, AL 35444

> John Holmes, Attorney Maynard Cooper & Gale, P.C. 1901 6th Ave N Ste 1700 Birmingham, AL 35203-2618

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE

Case Date Filed

10-CA-273269 02-25-2021

File an original of this charge with NLRB Regional	Director in which the alleged unfair labor practice of	curred or is occurring.
1.	EMPLOYER AGAINST WHOM CHARGE IS BROU	GHT
a. Name of Employer		b. Tel. No.
Warrior Met Coal		(205)554-6150
		c. Cell No.
d. Address (street, city, state ZIP code)	e. Employer Representative	f. Fax No.
16243 HWY 216	Guy Hensley	
Brookwood, AL 35444	Attorney	g. e-Mail
,		•
	-	-h. Dispute Location (City and State)
	,	Brookwood, AL
i. Type of Establishment	j. Principal Product or Service	k. Number of workers at dispute location
Mine	Coal	1400
I. The above-named employer has engaged in and	is engaging in unfair labor practices within the mea	ning of section 8(a)(1) and (5) of the National
Labor Relations Act, and these unfair labor practice	es are practices affecting commerce within the mean	ning of the Act, or these unfair labor practices
	meaning of the Act and the Postal Reorganization A	
	se statement of the facts constituting the alleged unf	
The Employer has failed to bargain	collectively and in good faith with UMV	VA Local 2397 by making unilateral
changes to annual retraining classe	s, making threats of layoffs and bankri	uptcy in group meetings, and
exceeding the contractually allowed		

I	Full name of party filing charge (if labor organization, give	full name, including local name and numb	er)
	United Mine Workers of America, Local 2	2397	
-	4a. Address (street and number, city, state, and ZIP code)	-	4b. Tel. No.
ŀ			do Call No
	16946 HWY 216		4c. Cell No. ((b) (6), (b) (7)(C)
	Brookwood, AL 35444-0195	•	4d. Fax No.
Ì	•		
	•		4e. e-Mail (b) (b) (7)(C)
	5. Full name of national or international labor organization of	f which it is an affiliate or constituent unit (to	(b) (b), (b) (7)(C)
ı	organization)		
ĺ	United Mine Workers of America		
ŀ	6. DECLARATION		. Tol No.
	I declare that I have read the above charge and that th	ne statements are true to the best of	Tel. No.
١	my knowledge and belief.		
ı		Carl White, President	Office, if any, Cell No. (b) (6), (b) (7)(C)
l	(signature of representative or person making charge)	Print Name and Title	Fax No.
	, , , , , , , , , , , , , , , , , , , ,		
1	Address: (b) (6), (b) (7)(C)	Date: 5 16 2 3 1	e-Mail
١	(b) (6), (b) (7)(C)	Date: 2-16-2021	(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1-2877269901



REGION 10 401 W Peach St NE Atlanta, GA 30308



Agency Website: www.nlrb.gov **NLRB** Mobile App

February 25, 2021

Telephone: (404)331-2896

Fax: (404)331-2858

Guy Hensley, Attorney Warrior Met Coal 16243 HWY 216 Brookwood, AL 35444

> Re: Warrior Met Coal Case 10-CA-273269

Dear Mr. Hensley:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney NATHAN K. GILBERT whose telephone number is (205)518-7526. The mailing address is 1130 22ND ST S RIDGE PARK PLACE STE 3400, BIRMINGHAM, AL 35205-2885. If this Board agent is not available, you may contact Resident Officer KATHERINE CHAHROURI whose telephone number is (205)518-7511.

<u>Right to Representation:</u> You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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have access to the means for filing electronically or why filing electronically would impose an undue burden.

- 3 -

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Lisa Y. Henderson Acting Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 (3-11)	NATIONAL	LABOR RELATIONS BOARD		
	TIONNAIRE (ON COMMERCE INFORMATION		
Please read carefully, answer all applicable items, and	return to the NLRB	Office. If additional space is required, please add a page	and identify item number.	
CASE NAME			ASE NUMBER	
	1 11 0		0-CA-273269	
1. EXACT LEGAL TITLE OF ENTITY (As file	d with State and/or	r stated in legal documents forming entity)		
2. TYPE OF ENTITY				
[] CORPORATION [] LLC [] LLP	[] PARTNERSH	IIP [] SOLE PROPRIETORSHIP [] OTHER	(Spacific)	
3. IF A CORPORATION or LLC	[] FARTIVERSI	III [] SOLL PROPRIETORSHIP [] OTHER	(Specify)	
A. STATE OF INCORPORATION	B. NAME, A	DDRESS, AND RELATIONSHIP (e.g. parent, subsidia	ary) OF ALL RELATED E	NTITIES
OR FORMATION				
4. IF AN LLC OR ANY TYPE OF PARTNERS	HIP, FULL NAM	E AND ADDRESS OF ALL MEMBERS OR PART	NERS	
	,			
5. IF A SOLE PROPRIETORSHIP, FULL NA	ME AND ADDRES	SS OF PROPRIETOR		
3. If A SOLE I ROTRIETORSHIT, FULL IVAL	VIE AND ADDRES	55 OF TROTRIETOR		
6. BRIEFLY DESCRIBE THE NATURE OF Y	OUR OPERATIO	NS (Products handled or manufactured, or nature of se	rvices performed).	
			. vices perjermeny.	
7A. PRINCIPAL LOCATION:		7B. BRANCH LOCATIONS:		
/A. PRINCIPAL LOCATION:		/B. BRANCH LOCATIONS:		
8. NUMBER OF PEOPLE PRESENTLY EMP	LOYED			
A. TOTAL:	B. AT THE A	ADDRESS INVOLVED IN THIS MATTER:		
		ADDRESS INVOLVED IN THIS MATTER:] CALENDAR [] 12 MONTHS or [] FISCAL)
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A. Did you provide services valued in excess of \$. B. If you answered no to 9A, did you provide services valued in excess of \$50,000 from directly provided. \$ C. If you answered no to 9A and 9B, did you province services than \$50,000, indicate amount. \$ D. Did you sell goods valued in excess of \$50,000 amount. \$ E. If you answered no to 9D, did you sell goods valued in excess of \$50,000, \$ F. Did you purchase and receive goods valued in indicate amount. \$ G. Did you purchase and receive goods valued in points outside your State? If less than \$50,000 H. Gross Revenues from all sales or performance [] \$100,000 [] \$250,000 [] \$500,000 I. Did you begin operations within the last 12 to ARE YOU A MEMBER OF AN ASSOCIAT	ices valued in excess of state	Istomers outside your State? If no, indicate actual value as of \$50,000 to customers in your State who purchased? If no, indicate the value of any such services you in excess of \$50,000 to public utilities, transit systems, cial buildings, educational institutions, or retail concerns located outside your State? If less than \$50,000, indicate amount from directly to customers located inside your State with the your State? If less than \$50,000, indicate amount from directly outside your State? If less than \$50,000, from enterprises who received the goods directly from the largest amount or more If less than \$100,000, indicate amount. EMPLOYER GROUP THAT ENGAGES IN COLL	s?	

NAME AND TITLE (Type or Print) SIGNATURE E-MAIL ADDRESS DATE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



REGION 10 401 W Peach St NE Suite 472 Atlanta, GA 30308



Download NLRB Mobile App

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

February 25, 2021

United Mine Workers of America, Local 2397 16946 HWY 216 Brookwood, AL 35444

> Re: Warrior Met Coal Case 10-CA-273269

Dear Sir or Madam:

The charge that you filed in this case on February 25, 2021 has been docketed as case number 10-CA-273269. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney NATHAN K. GILBERT whose telephone number is (205)518-7526. The mailing address is 1130 22ND ST S RIDGE PARK PLACE STE 3400, BIRMINGHAM, AL 35205-2885. If this Board agent is not available, you may contact Resident Officer KATHERINE CHAHROURI whose telephone number is (205)518-7511.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text

messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Lisa Y. Henderson Acting Regional Director

Copy of charge only sent to:

Carl White, President (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

United Mine Workers of America, Local 2397						
and Warrior Met Coal	CASE 10-CA-273269					
EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570					
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF						
IN THE ABOVE-CAPTIONED MATTER.						
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY						
IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.						
(REPRESENTATIVE INFORMATION)						
NAME: John B. Holmes, III						
MAILING ADDRESS: 1901 6th Avenue North, Suite 1700, Birmingham, AL 35203						
E-MAIL ADDRESS: jholmes@maynardcooper.com						
OFFICE TELEPHONE NUMBER: 205-254-1107						
CELL PHONE NUMBER:	_FAX:_205-254-1999					
SIGNATURE: (Please sign in ink.)						
DATE: (Please sign in ink.) 3/4/2021						

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR
REGION 10
401 W. Peachtree Street, NE
Suite 2201
Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

May 27, 2021

Carl White, Representative United Mine Workers of America, Local 2397 16946 HWY 216 Brookwood, AL 35444

> Re: Warrior Met Coal Case 10-CA-273269

Dear Mr. White,

We have carefully investigated and considered your charge that Warrior Met Coal has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

In your charge, you make three allegations: 1) that the company violated the Act by unilaterally changing the dates for the annual employee retraining, 2) that the Company's use of contract miners exceeded the maximum percentage set by the parties' collective bargaining agreement, and 3) that the statements allegedly made by CEO Scheller in the retraining meetings were coercive and threatening to employees' exercise of their rights under the National Labor Relations Act.

Regarding the rescheduling of the annual retraining, the Region has determined that the change was not sufficiently material or substantial so as to violate the Act. The Board held in *Laurel Baye Healthcare of Lake Lanier*, 352 N.L.R.B. 179, 182 (2008), that to be found unlawful, a unilateral change must be "material, substantial and significant" and must have a "real impact" on or be a significant detriment to the employees or their working conditions. Unilateral changes that are *de minimis*, or so minor so as to not materially affect the employee's work, do not violate the Act. See *Peerless Food Products*, 236 N. L. R. B. 161 (1978). The change in the dates of the annual retraining was not so substantial, material, or significant, as the only significant thing that changed about the training was the dates on which it was held. This change was so minor so as to not materially affect the employees' work.

Regarding the contract miner issue, the Union is essentially seeking to enforce a contractual term through the Board's ULP mechanisms. The actions alleged by the Union, if true, may constitute a violation of the CBA, but they do not rise to the level of a violation of the Act. See *United Telephone Co.*, 112 NLRB 779 (1955) ("The Board is not the proper forum for parties seeking to remedy an alleged breach of contract

or to obtain specific enforcement of its terms"). The Board has previously held that it is not within the NLRB's statutory jurisdiction to interpret and apply contract language under the guise of an unfair labor practice. See *Litton Financial Printing*, v. NLRB, 501 US 190 (1991).

Finally, on (b) (6), (b) (7)(C) alleged comments, even assuming the union's testimony to be accurate, alleged remarks were not threatening or coercive so as to violate the Act. Section 8(c) of the Act provides protection to employers when they convey their personal opinions thru remarks that are or are not based in fact; these remarks are often described by the Board as "intemperate" remarks. *Rogers Elec., Inc.*, 346 NLRB 508, 509-10 (2006). alleged remarks fall into that category. The Board has held that these kinds of remarks do not constitute a violation of the Act absent some indication that they are a threat or promise, and there is no evidence of any such accompanying threat or promise in this case. *Id.* The Board has held, in particular, that a merely disparaging remark by an employer about a union alone is not enough to violate the Act. *Trailmobile Trailer, LLC*, 343 NLRB 95 (2004).

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on June 10, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than June 9, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before June 10, 2021.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202) 273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after June 10, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosure

cc: Guy Hensley, Attorney Warrior Met Coal 16243 HWY 216 Brookwood, AL 35444

> John Holmes, Attorney Maynard Cooper & Gale, P.C. 1901 6th Ave N, Suite 1700 Birmingham, AL 35203-2618

INTERNET FORM NLRB-501 UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO	NOT	WRI.	LE IN	I TH	IIS S	SPAC	E	

Case

Date Filed

March 5 2021

FORM EXEMPT UNDER 44 U.S.C.3512

10-CA-273672 March 5, 2021 INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT b. Tel. No a. Name of Employer (205) 554-6150 Warrior met coal c. Cell No. f. Fax No d. Address (Street, city, state, and ZIP code) e. Employer Representative g. e-Mail 16243 highway 216 Guy Dwayne Hensley murphy399@gmail.com Attorney AL Brookwood 35444 h. Number of workers employed 1400 i. Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product or service Coal Coal mining k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C) 4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No. (b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No 4e. e-Mail (b) (6), (b) (7)(C) 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C

Office, if any, Cell No.

Fax No.

e-Mail

03/04/2021 07:15:15 PM

(date)

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

 $Within the \ previous \ six \ months, \ the \ Employer \ disciplined \ or \ retaliated \ against \ an \ employee(s) \ because \ the \ employee(s) \ joined \ or \ employee(s)$

supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Withholding bonuses because of Union business	(a)(6)(a)(7)/2021



REGION 10 401 W Peachtree St NW Suite 472 Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

NLRB Mobile App

March 5, 2021

Guy Dwayne Hensley, Attorney Warrior Met Coal 16243 Highway 216 Brookwood, AL 35444

> Re: Warrior Met Coal Case 10-CA-273672

Dear Hensley:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Nathan K. Gilbert whose telephone number is (205)518-7526. The mailing address is 1130 22nd St S Ridge Park Place Ste 3400, Birmingham, AL 35205-2885. If this Board agent is not available, you may contact Resident Officer Katherine Chahrouri whose telephone number is (205)518-7511.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon

as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 NATIONAL LABOR RELATIONS BOARD (3-11)QUESTIONNAIRE ON COMMERCE INFORMATION Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number. CASE NAME CASE NUMBER 10-CA-273672 1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity) 2. TYPE OF ENTITY [] CORPORATION [] LLC [] LLP [] PARTNERSHIP [] SOLE PROPRIETORSHIP [] OTHER (Specify) 3. IF A CORPORATION or LLC A. STATE OF INCORPORATION B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES OR FORMATION 4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS 5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR 6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed). 7A. PRINCIPAL LOCATION: 7B. BRANCH LOCATIONS: 8. NUMBER OF PEOPLE PRESENTLY EMPLOYED A. TOTAL: B. AT THE ADDRESS INVOLVED IN THIS MATTER: 9. DURING THE MOST RECENT (Check the appropriate box): [] CALENDAR [] 12 MONTHS or [] FISCAL YEAR (FY DATES NO A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS TITLE

purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.

F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000,

G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from

[] \$100,000 [] \$250,000 [] \$500,000 [] \$1,000,000 or more If less than \$100,000, indicate amount.

NAME E-MAIL ADDRESS TEL. NUMBER

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

Did you begin operations within the last 12 months? If yes, specify date:

[] YES [] NO (If yes, name and address of association or group).

points outside your State? If less than \$50,000, indicate amount. \$

Gross Revenues from all sales or performance of services (Check the largest amount)

indicate amount. \$

E-MAIL ADDRESS DATE NAME AND TITLE (Type or Print) SIGNATURE

PRIVACY ACT STATEMENT

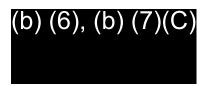
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858 Download NLRB Mobile App

March 5, 2021



REGION 10

Suite 472

401 W Peachtree St NW

Atlanta, GA 30308

Re: Warrior Met Coal Case 10-CA-273672

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on March 05, 2021 has been docketed as case number 10-CA-273672. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Nathan K. Gilbert whose telephone number is (205)518-7526. The mailing address is 1130 22nd St S Ridge Park Place Ste 3400, Birmingham, AL 35205-2885. If this Board agent is not available, you may contact Resident Officer Katherine Chahrouri whose telephone number is (205)518-7511.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent

to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C) and Warrior Met Coal	CASE 10-CA-273672			
REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570			
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATION Warrior Met Coal	IVE OF			
IN THE ABOVE-CAPTIONED MATTER.				
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WE DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENT CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN			
(REPRESENTATIVE INFORM	AATION)			
NAME: John B. Holmes, III MAILING ADDRESS: 1901 6th Avenue North, Suite 1700, Birmingham, AL 35203				
E-MAIL ADDRESS: jholmes@maynardcooper.com				
OFFICE TELEPHONE NUMBER: 205-254-1107				
CELL PHONE NUMBER:				
DATE: (Please sign in ink.) 2				

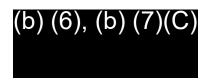
 $^{^{\}rm I}$ if case is pending in Washington and Notice of appearance is sent to the general counsel or the executive secretary, a copy should be sent to the regional director of the region in which the case was filed so that those records will reflect the appearance.

REGION 10 401 W Peachtree St NW Suite 472 Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896

Fax: (404)331-2858

April 21, 2021



Re: Warrior Met Coal Cases 10-CA-273672 and 10-CA-27367

Dear(b) (6), (b) (7)(C)

We have carefully considered your charge that Warrior Met Coal has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charges for the reasons discussed below.

You allege that the Employer failed to grant you an additional off day and failed to award you the January 2021 production bonus in retaliation for your Union activities and/or position. It is true that you serve as (b) (6), (b) (7)(C), that you regularly undertake Union activities, and that it would be impossible for the Employer to not be aware of your union activity (as it grants you Union leave for such activities).

The analysis of your claim alleging retaliation for union activities is controlled by *Wright Line*, 251 NLRB 1083 (1980), enfd. 662 F.2d 899 (1st Cir. 1981), cert. denied 455 U.S. 989 (1982), which requires the General Counsel to establish a prima facie case of discrimination based on the employer's knowledge of union activity and evidence of anti-union animus. See also *VAE Nortrak N. Am., Inc.*, 344 NLRB 249, 250 (2005). The Board has recently held that "[t]o meet the General Counsel's initial burden, the evidence of animus must support a finding that a causal relationship exists between the employee's protected activity and the employer's adverse action against the employee." *Tschiggfrie Properties, LLC*, 368 NLRB. No. 120 (November 22, 2019), slip op. at p. 1.

The investigation failed to disclose evidence of any causal connection between your Union office/activities and the alleged adverse employment actions. It appears that the Employer treated your Union leave the same as it treated your other forms of leave- sick leave and FMLA leave.

Simply because the Employer did not credit your Union leave as time worked in either charge, does not mean that such conduct was discriminatory or retaliatory, especially when other forms of leave were apparently treated the same.

In sum, the investigation of your charges revealed no evidence of retaliation or discrimination against you, no evidence of anti-union animus, and no evidence of the requisite causal connection.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on May 5, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than May 4, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before May 5, 2021.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after May 5, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

SCOTT C. THOMPSON Acting Regional Director

Enclosure

cc: Guy W. Hensley, Attorney Warrior Met Coal 16243 Highway 216 Brookwood, AL 35444

> John Holmes, Attorney Maynard Cooper & Gale, P.C. 1901 6th Ave N, Suite 1700 Birmingham, AL 35203-2618

INTERNET FORM NLRB-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE				
Case		Date Filed		
	10-CA-273675	02/26/2021		

FORM EXEMPT UNDER 44 U.S.C 3512

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the	e alleged unfair labor practice occurred or is occurring GAINST WHOM CHARGE IS BROUGHT	g.
a. Name of Employer	OAINST WHOM CHANGE IS BROUGHT	b. Tel. No.
Warrior met coal	(205) 554-6123	
	c. Cell No. (205) 542-5277	
		f. Fax No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	
16243 highway 216	Guy Hensley	g. e-Mail
AL Brookwood 35444	Attorney	
		h. Number of workers employed 1400
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	
Coal	Coal mining	
k. The above-named employer has engaged in and is engaging	in untair labor practices within the meaning of secti	ion 8(a), subsections (1) and (list
subsections) 3		r Relations Act, and these unfair labor
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization A		air practices affecting commerce
2. Basis of the Charge (set forth a clear and concise statement of	of the facts constituting the alleged unfair labor pra	ctices)
	•	
See additional page		
3. Full name of party filing charge (if labor organization, give full (b) (6), (b) (7)(C) Title:	name, including local name and number)	
4a. Address (Street and number, city, state, and ZIP code)	1	4b. Tel. No.
		(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		4c. Cell No.
	[·	4d. Fax No.
		4e. e-Mail
		(b) (6), (b) (7)(C)
5. Full name of national or international labor organization of whorganization)	ich it is an affiliate or constituent unit <i>(to be filled ir</i>	n when charge is filed by a labor
A DEGLARATION	T:	Tel. No.
6. DECLARATION Lectare that Lhave read the above charge and that the statements (b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)
	(b) (6), (b) (7)(C)	Office, if any, Cell No.
-,	Print/type name and title or office, if any)	Fax No.
(b) (6), (b) (7)(C)		
	1.5	e-Mail
Address	02/26/2021 08:58:35 AM (date)	e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

 $Within the \ previous \ six \ months, \ the \ Employer \ disciplined \ or \ retaliated \ against \ an \ employee(s) \ because \ the \ employee(s) \ joined \ or \ employee(s)$

supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Taking off day because of participating in Union a	(a)(a)(a)(a)(a)(a)(a)(a)(a)(a)(a)(a)(a)(



REGION 10 401 W Peachtree St NW Suite 472 Atlanta, GA 30308



Download NLRB Mobile App

March 5, 2021

Agency Website: www.nlrb.gov

Telephone: (404)331-2896

Fax: (404)331-2858

Guy Hensley, Attorney Warrior Met Coal 16243 Highway 216 Brookwood, AL 35444-3058

> Re: Warrior Met Coal Case 10-CA-273675

Dear Mr. Hensley:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Nathan K. Gilbert whose telephone number is (205)518-7526. The mailing address is 1130 22nd St S Ridge Park Place Ste 3400, Birmingham, AL 35205-2885. If this Board agent is not available, you may contact Resident Officer Katherine Chahrouri whose telephone number is (205)518-7511.

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<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

- 2 -

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FOI		NAL I	LABOR RELAT	IONS BOARD					
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME

NAME AND TITLE (Type or Print) SIGNATURE E-MAIL ADDRESS DATE

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

TITLE

PRIVACY ACT STATEMENT

E-MAIL ADDRESS

TEL. NUMBER

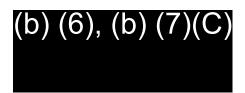
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858



March 5, 2021



REGION 10

Suite 472

401 W Peachtree St NW

Atlanta, GA 30308

Re: Warrior Met Coal Case 10-CA-273675

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on February 26, 2021 has been docketed as case number 10-CA-273675. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Nathan K. Gilbert whose telephone number is (205)518-7526. The mailing address is 1130 22nd St S Ridge Park Place Ste 3400, Birmingham, AL 35205-2885. If this Board agent is not available, you may contact Resident Officer Katherine Chahrouri whose telephone number is (205)518-7511.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody

or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LISA Y. HENDERSON ActingRegional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

and Warrior Met Coal	CASE 10-CA-273675		
REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570		
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT Warrior Met Coal	IVE OF		
IN THE ABOVE-CAPTIONED MATTER.			
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WE DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENT CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN		
(REPRESENTATIVE INFORM	AATION)		
John B. Holmes, III			
MAILING ADDRESS: 1901 6th Avenue North, Suite 1700, Birming	gham, AL 35203		
iholmes@maynerdcooper.com			
E-MAIL ADDRESS: jholmes@maynardcooper.com			
OFFICE TELEPHONE NUMBER: 205-254-1107	205-254-1999		
SIGNATURE: FAX: 205-254-1999			
DATE: (Please sign in ink.) 3/11/20 Z/			

 $^{^{\}rm I}$ if case is pending in Washington and notice of appearance is sent to the general counsel or the executive secretary, a copy should be sent to the regional director of the region in which the case was filed so that those records will reflect the appearance.

INTERNET FORM NLRB-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE			
Case	Date Filed		
10-CA-277558	May 24, 2021		

NOTE HOLD NO

File an original with NLRB Regional Director for the region in which the		ng.
	GAINST WHOM CHARGE IS BROUGHT	L T-I N-
a. Name of Employer		b. Tel. No. (205) 554-6150
Warrior Met Coal, Inc.		
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	I. Fax No.
u. Addiess (offeet, only, state, and 211 code)	a. Employal Representative	g. e-Mail
16243 Highway 216		J
AL Brookwood 35444		
		h. Number of workers employed
		980
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	
k. The above-named employer has engaged in and is engaging	in unfair labor practices within the meaning of sec	tion 8(a), subsections (1) and (list
subsections) 1	of the National Labo	or Relations Act, and these unfair labor
practices are practices affecting commerce within the meaning	g of the Act, or these unfair labor practices are un	fair practices affecting commerce
within the meaning of the Act and the Postal Reorganization A		
2. Basis of the Charge (set forth a clear and concise statement of	of the facts constituting the alleged unfair labor pra	actices)
2. Dasie of the charge (out forth a diear and control of daternone)	strictude conditioning the aneged arman labor pre	101000)
See additional page		
ooo adamonan pago		
3. Full name of party filing charge (if labor organization, give full	name, including local name and number)	
Kevin Fagan Title:		
United Mine Workers of America, International Union		
4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No. (701) 291-2425
18354 Quantico Gateway Drive Suite 200		4c. Cell No.
VA Triangle 22172	}	4d. Fax No.
		4d. 1 dx 140.
	ľ	4e. e-Mail
		kfagan@umwa.org
Full name of national or international labor organization of whorganization)	nich it is an affiliate or constituent unit (to be filled i	n when charge is filed by a labor
organization)		
		Tel. No.
6. DECLARATION	are true to the heat of my knowledge and heliaf	
I declare that I have read the above charge and that the statements	are true to the best of my knowledge and bellet.	(205) 870-9989
	George Davies	Office, if any, Cell No.
By Title:		
(signature of representative or person making charge) (Print/type name and title or office, if any)	Fax No.
O COUL Charat Marth Co. 2 COO		e-Mail
2 - 20th Street North Suite 930	05/24/2021 12:03:07 PM	gdavies@qcwdr.com
Address Birmingham AL 35203	(date)	0 01

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights

protected by Section 7 of the Act by promising better working conditions if employees did not join or support a union.

Name of Employer's Agent/Representative who made the statement	Approximate date
(b) (6), (b) (7)(C)	04/01/2021
(b) (6), (b) (7)(C)	04/06/2021
(b) (6), (b) (7)(C)	04/22/2021



Download

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

Download NLRB Mobile App

May 24, 2021

Warrior Met Coal, Inc. 16243 Highway 216 Brookwood, AL 35444

REGION 10

Suite 2201

Atlanta, GA 30308

401 W. Peachtree Street, NE

Re: Warrior Met Coal, Inc. Case 10-CA-277558

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Joseph Webb whose telephone number is (205)518-7518. The mailing address is 1130 22nd St S Ridge Park Place Ste 3400, Birmingham, AL 35205-2885. If this Board agent is not available, you may contact Resident Officer Katherine Chahrouri whose telephone number is (205)518-7511.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 NATIONAL LABOR RELATIONS BOARD (3-11)QUESTIONNAIRE ON COMMERCE INFORMATION Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number. CASE NAME CASE NUMBER 10-CA-277558 1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity) 2. TYPE OF ENTITY [] CORPORATION [] LLC [] LLP [] PARTNERSHIP [] SOLE PROPRIETORSHIP [] OTHER (Specify) 3. IF A CORPORATION or LLC A. STATE OF INCORPORATION B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES OR FORMATION 4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS 5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR 6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed). 7A. PRINCIPAL LOCATION: 7B. BRANCH LOCATIONS: 8. NUMBER OF PEOPLE PRESENTLY EMPLOYED A. TOTAL: B. AT THE ADDRESS INVOLVED IN THIS MATTER: 9. DURING THE MOST RECENT (Check the appropriate box): [] CALENDAR [] 12 MONTHS or [] FISCAL YEAR (FYDATES NO A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.

F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000,

G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from

[] \$100,000 [] \$250,000 [] \$500,000 [] \$1,000,000 or more If less than \$100,000, indicate amount.

NAME TITLE E-MAIL ADDRESS TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

Gross Revenues from all sales or performance of services (Check the largest amount)

Did you begin operations within the last 12 months? If yes, specify date:

[] YES [] NO (If yes, name and address of association or group).

points outside your State? If less than \$50,000, indicate amount. \$

indicate amount. \$

E-MAIL ADDRESS DATE NAME AND TITLE (Type or Print) SIGNATURE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



REGION 10 401 W. Peachtree Street, NE Suite 2201 Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

Download NLRB Mobile App

May 24, 2021

Kevin Fagan United Mine Workers of America, International Union 18354 Quantico Gateway Drive, Suite 200 Triangle, VA 22172

> Re: Warrior Met Coal, Inc. Case 10-CA-277558

Dear Fagan:

The charge that you filed in this case on May 24, 2021 has been docketed as case number 10-CA-277558. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Joseph Webb whose telephone number is (205)518-7518. The mailing address is 1130 22nd St S Ridge Park Place Ste 3400, Birmingham, AL 35205-2885. If this Board agent is not available, you may contact Resident Officer Katherine Chahrouri whose telephone number is (205)518-7511.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your

affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

cc: George Davies
Quinn, Connor, Weaver, Davies
& Rouco LLP
2 - 20th Street North, Suite 930
Birmingham, AL 35203

FORM NLRB-501 (2-18)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER AMENDED

DO NOT WRITE IN THIS SPACE

Case 10-CA-277558 Date Fi
05/2

Date Filed 05/24/2021

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT a. Name of Employer b. Tel. No. Warrior Met Coal, Inc. 205-554-6150 c. Cell No. f. Fax. No. d. Address (Street, city, state, and ZIP code) e. Employer Representative 16243 Highway 216 Kelli K. Gant g. e-mail Brookwood, AL 35444 kelli.gant@warriormetcoal.com h. Number of workers employed 980 i. Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product or service Coal Mine Coal The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (a)(1), (a)(5) of the National Labor Relations Act, and thest unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) On or about April 1, 2021, April 6, 2021, April 13, 2021 and April 22, 2021 the above-named employer violated Sections 8(a)(1) and 8 (a)(5) of the Act by interfering with, restraining, and coercing its employees in the exercise of the rights guaranteed them in Section 7 of the Act and engaging in direct dealing. 3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Mine Workers of America, International Union 4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No. 18354 Quantico Gateway Drive, Suite 200 703-291-2425 Triangle, VA 22172-1779 4c. Cell No. 4d. Fax No. 703-291-2448 4e. e-mail 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Mine Workers of America, International Union 6. DECLARATION Tel. No. 205-870-9989 I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. Office, if any, Cell No. George N. Davies (signature of representative or person making charge) (Print/type name and title or office, if any) Fax No. 2 - 20th Street North, Suite 930 05/24/2021 Address Birmingham, AL 35203 gdavies@qcwdr.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



REGION 10 401 W. Peachtree Street, NE Suite 2201 Atlanta, GA 30308



Download NLRB Mobile App

May 25, 2021

Agency Website: www.nlrb.gov

Telephone: (404)331-2896

Fax: (404)331-2858

Warrior Met Coal, Inc. 16243 Highway 216 Brookwood, AL 35444

> Re: Warrior Met Coal, Inc. Case 10-CA-277558

Dear Sir or Madam:

Enclosed is a copy of the first amended charge that has been filed in this case.

<u>Investigator</u>: This charge is being investigated by Field Attorney Joseph Webb whose telephone number is (205)518-7518. The mailing address is 1130 22nd St S Ridge Park Place Ste 3400, Birmingham, AL 35205-2885. If the agent is not available, you may contact Resident Officer Katherine Chahrouri whose telephone number is (205)518-7511.

<u>Presentation of Your Evidence</u>: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Procedures:</u> Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosure: Copy of first amended charge



Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858



Download NLRB Mobile App

May 25, 2021

Kevin Fagan United Mine Workers of America, International Union 18354 Quantico Gateway Drive, Suite 200 Triangle, VA 22172

401 W. Peachtree Street, NE

REGION 10

Suite 2201

Atlanta, GA 30308

Re: Warrior Met Coal, Inc. Case 10-CA-277558

Dear Fagan:

We have docketed the first amended charge that you filed in this case.

<u>Investigator</u>: This charge is being investigated by Field Attorney Joseph Webb whose telephone number is (205)518-7518. The mailing address is 1130 22nd St S Ridge Park Place Ste 3400, Birmingham, AL 35205-2885. If the agent is not available, you may contact Resident Officer Katherine Chahrouri whose telephone number is (205)518-7511.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

cc: George Davies
Quinn, Connor, Weaver, Davies & Rouco LLP
2 - 20th Street North, Suite 930
Birmingham, AL 35203

FORM NLRB-501 (2-18)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE			
Case	Date Filed		
10-CA-274900	03-30-2021		

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in		urring.
	OYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Warrior Met Coal, Inc.	b. Tel. No. 205-554-6150	
	c. Celi No.	
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	f. Fax. No.
16243 Highway 216 Brookwood, AL 35444	Kelli K. Gant	g. e-mail kelli.gant@warriormetcoal.com
		h. Number of workers employed 980
i. Type of Establishment (factory, mine, wholesaler, etc.) Coal Mine	j. Identify principal product or service Coal	
The above-named employer has engaged in and is engage	ging in unfair labor practices within the meaning of sec	tion 8(a), subsections (1) and
(list subsections) (a)(1), (a)(5), and (d)		or Relations Act, and thest unfair labor
practices are practices affecting commerce within the mea	aning of the Act, or these unfair labor practices affectin	g commerce within the meaning of
the Act and the Postal Reorganization Act.		·
2. Basis of the Charge (set forth a clear and concise state Since on or about March 19, 2021 and continuing the Act by refusing to bargain in good faith with the U workforce, by failing to respond to information and See attached letter for additional detail.	to date, the above-named employer violated Sec MWA, the certified collective bargaining represed document requests.	tions $8(a)(1)$, $8(a)(5)$, and $(8)(d)$ of the
Full name of party filing charge (if labor organization, gi- United Mine Workers of America, International United Mine Workers of America, International United Mine Workers	nion	
4a. Address (Street and number, city, state, and ZIP code 18354 Quantico Gateway Drive, Suite 200 Triangle, VA 22172-1779)	4b. Tel. No. 703-291-2425
		4c. Cell No. 202-286-0451
		4d. Fax No. 703-291-2448
		4e. e-mail kfagan@umwa.org
5. Full name of national or international labor organization	of which it is an affiliate or constituent unit (to be filled	in when charge is filed by a labor organization)
United Mine Workers of America, Internationa	I Union	
I declare that I have read the abor-	ARATION ve charge and that the statements by knowledge and belief.	Tel. No. 703-291-2425
Kevin F. Fagan, General Counsel		Office, if any, Cell No. 202-286-0451
(signeture of representative or person making charge)	(Print/type name and title or office, if any)	Fax No. 703-291-2448
18354 Quantico Gateway Drive, Suite 20 Address Triangle, VA 22172-1779	0 Date 3/30/2021	e-mail kfagan@umwa.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfeir labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 10 401 W Peachtree St NW Suite 472 Atlanta, GA 30308



Download NLRB Mobile App

March 31, 2021

Agency Website: www.nlrb.gov

Telephone: (404)331-2896

Fax: (404)331-2858

Kelli K Gant 16243 Highway 216 Brookwood, AL 35444

> Re: Warrior Met Coal, Inc. Case 10-CA-274900

Dear Mrs. Gant:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOSEPH WEBB whose telephone number is (205)518-7518. The mailing address is 1130 22ND ST S RIDGE PARK PLACE STE 3400, BIRMINGHAM, AL 35205-2885. If this Board agent is not available, you may contact Supervisory Field Attorney MATTHEW TURNER whose telephone number is (470)343-7497.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 (3-11)	NATIONAL 1	LABOR RELATIONS BOARD		
	STIONNAIRE C	ON COMMERCE INFORMATION		
Please read carefully, answer all applicable items, a	nd return to the NLRB	Office. If additional space is required, please add a	page and identify item number.	
CASE NAME			CASE NUMBER	
			10-CA-274900	
1. EXACT LEGAL TITLE OF ENTITY (As fi	led with State and/or	stated in legal documents forming entity)		
2. TYPE OF ENTITY				
[] CORPORATION [] LLC [] LLP	[] PARTNERSH	IP [] SOLE PROPRIETORSHIP [] OT	HER (Specify)	
3. IF A CORPORATION or LLC	D NAME AT	DDDESS AND DELATIONSHIP (-: 4:> OF ALL DELATED I	ENTITIES
A. STATE OF INCORPORATION OR FORMATION	B. NAME, AI	DDRESS, AND RELATIONSHIP (e.g. parent, sub	sidiary) OF ALL RELATED	ENTITIES
4. IF AN LLC OR ANY TYPE OF PARTNER	RSHIP, FULL NAME	E AND ADDRESS OF ALL MEMBERS OR PA	RTNERS	
5. IF A SOLE PROPRIETORSHIP, FULL N	AME AND ADDRES	S OF PROPRIETOR		
6. BRIEFLY DESCRIBE THE NATURE OF	YOUR OPERATION	NS (Products handled or manufactured, or nature o	of services performed).	
7A. PRINCIPAL LOCATION:		7B. BRANCH LOCATIONS:		
		72. Didition Decirion		
8. NUMBER OF PEOPLE PRESENTLY EM	PLOYED			
A. TOTAL:	B. AT THE A	DDRESS INVOLVED IN THIS MATTER:		
A. TOTAL: 9. DURING THE MOST RECENT (Check the)
9. DURING THE MOST RECENT (Check the	e appropriate box): [] CALENDAR [] 12 MONTHS or [] FISO	YES) NO
9. DURING THE MOST RECENT (Check the	e appropriate box): [YES) NO
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE NAME AND TITLE (Type or Print) SIGNATURE

NAME AND TITLE (Type or Print) SIGNATURE E-MAIL ADDRESS DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 10 401 W Peachtree St NW Suite 472 Atlanta, GA 30308



Download NLRB Mobile App

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

March 31, 2021

Kevin F. Fagan, General Counsel United Mine Workers of America, AFL-CIO 18354 Quantico Gateway Dr. #200 Triangle, VA 22172

> Re: Warrior Met Coal, Inc. Case 10-CA-274900

Dear Mr. Fagan:

The charge that you filed in this case on March 30, 2021 has been docketed as case number 10-CA-274900. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOSEPH WEBB whose telephone number is (205)518-7518. The mailing address is 1130 22ND ST S RIDGE PARK PLACE STE 3400, BIRMINGHAM, AL 35205-2885. If this Board agent is not available, you may contact Supervisory Field Attorney MATTHEW TURNER whose telephone number is (470)343-7497.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

United Mine Workers of America, International Union	
and Warrior Met Coal	CASE 10-CA-274900
EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT Warrior Met Coal, Inc.	IVE OF
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY V DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENT CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFORM	MATION)
John B. Holmes, III	
MAILING ADDRESS: 1901 6th Avenue North, Suite 1700, Birming	gham, AL 35203
E-MAIL ADDRESS: jholmes@maynardcooper.com	
OFFICE TELEPHONE NUMBER: 205-254-1107	
SIGNATURE:	_FAX: 205-254-1999
DATE: (Please sign in tells) 4/2/202	1

 $^{^{1}}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

Warrior Met Coal, Inc.	
and	CASE 10-CA-274900
United Mine Workers of America, International Union	
REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT	IVE OF
United Mine Workers of America, International Union	
IN THE ABOVE-CAPTIONED MATTER.	
IN THE ABOVE CALITONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:	
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(REPRESENTATIVE INFORM	MATION)
NAME: Glen M. Connor	
MAILING ADDRESS: 2-20th Street North, Suite 930, Birmingham	, Alabama 35203
E-MAIL ADDRESS: gconnor@qcwdr.com	
OFFICE TELEPHONE NUMBER: 205-870-9989	
CELL PHONE NUMBER:	FAX:
SIGNATURE:	
DATE: (Please sign in ink.) 4/19/2021	
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 $^{^{\}rm I}$ if case is pending in Washington and Notice of appearance is sent to the general counsel or the executive secretary, a copy should be sent to the regional director of the region in which the case was filed so that those records will reflect the appearance.

Warrior Met Coal, Inc.	
and	CASE 10-CA-274900
United Mine Workers of America, International Union	CASE 10-CA-274900
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REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
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THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATI	IVE OF
United Mine Workers of America, International Union	
IN THE ABOVE-CAPTIONED MATTER.	
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(REPRESENTATIVE INFORM	AATION)
NAME: George N. Davies	
MAILING ADDRESS: 2-20th Street North, Suite 930, Birmingham	, Alabama 35203
E-MAIL ADDRESS: gdavies@qcwdr.com	
OFFICE TELEPHONE NUMBER: 205-870-9989	
CELL PHONE NUMBER:	_FAX:
SIGNATURE:	
DATE: (Please sign in ink.)	
7/9/2/	

 $^{^{\}rm 1}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

United Mine Workers of America, International Union	
and Warrior Met Coal	CASE 10-CA-274900
REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
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IN THE ABOVE-CAPTIONED MATTER.	
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(REPRESENTATIVE INFOR	MATION)
NAME: Matthew W. Stiles	
MAILING ADDRESS: 1901 6th Avenue North, Suite 1700, Birmin	gham, AL 35203
E-MAIL ADDRESS: mstiles@maynardcooper.com	
OFFICE TELEPHONE NUMBER: 205-254-1071	
CELL PHONE NUMBER:	_{FAX:} 205-254-1999
SIGNATURE MEGALIN STOP	
DATE: Please sign in ink.)	
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 $^{^{\}rm I}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

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